

REMARKS/ARGUMENTS

Claim Objections

In the Office Action, Examiner objects to claim 12 due to unnecessary capitalizations. Applicants have amended claim 12 to correct this. Applicants respectfully request that the objection to claim 12 be withdrawn.

In addition, Examiner objects to claim 6 for being redundant of claim 1. Examiner correctly surmises that claim 5 was inadvertently canceled in the Response filed 6 March 2007 when it was Applicants' intention to cancel claim 6. To correct this, Applicants have canceled claim 6 and added new claim 14, which is supported by previously canceled claim 5. Claims 7 and 8 have been amended so that they depend from claim 1.

Claim Rejections under 35 U.S.C. §103

In the Office Action, Examiner rejects claims 1-4, 6, 7, 9 and 11 under 35 U.S.C. §103(a) as being unpatentable over US Patent 6,672,385 to Kilaas (hereafter Kilaas) in view of various references. Examiner has failed to provide a prima facie basis for rejection under 35 U.S.C. § 103(a) because the references do not disclose all the limitations of the claimed invention.

As argued in the Response filed 6 March 2007, Applicants respectfully submit that the references do not disclose the limitation that the swelleable material extends around the perforated tubular conduit. In the Office Action, Examiner states that the "alternate layering of [the] structures is seen as obvious in view of Kilaas et al., since in the present application the particular organization solves no states problem not already solved by Kilaas et al." The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time to modify the wellbore device of Kilaas et al. by alternating the order of layering of the components. Applicants respectfully disagree.

With respect to claim 1, providing the swellable material around the outside of the perforated tubular conduit solves the problem of improving the seal between the formation and the wellbore device. When the swellable material swells, it presses against the formation, creating a seal that is not possible with a system such as the one described in Kilaas, which has the perforated tubing on the outside. Additionally, those of ordinary skill in the art would be discouraged from modifying the system disclosed in Kilaas by extending the swellable material around the perforated tubular conduit because of an expectation that the swellable material could easily be damaged during installation of the wellbore device.

Applicants submit an affidavit under 37 C.F.R. §1.132 to support this position (enclosed). The affidavit is signed by Martin Bosma, a Shell employee and a named inventor on the present application, representing one of ordinary skill in the art of wellbore devices. In light of all of the above, Applicants respectfully request that the rejection of claims 1-4, 6, 7, 9 and 11 under 35 U.S.C. §103(a) be withdrawn and the claims formally allowed at this time.

Conclusion

Applicants have addressed each and every objection and ground for rejection. The amended claims are patentable over the cited art and Applicants request that the application be allowed. In the event the Examiner has any questions or there are any issues with respect to the application, the Examiner is invited to call the undersigned at the telephone number below prior to the issuance of any written action.

Respectfully submitted,
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